

U.S. Department of Education

**Staff Report
to the
Senior Department Official
on
Recognition Compliance Issues**

RECOMMENDATION PAGE

1. **Agency:** Maryland Board Of Nursing (1985/2007)
(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)
2. **Action Item:** Petition for Continued Recognition
3. **Scope of Recognition:** State agency for the approval of nurse education.
4. **Date of Advisory Committee Meeting:** December, 2011
5. **Staff Recommendation:** Continue the agency's recognition and require the agency to come into compliance within 12 months, and submit a compliance report that demonstrates the agency's compliance with the issues identified below.
6. **Issues or Problems:**
 - * The agency must provide additional information and evidence of the role and functions of its staff and the operating procedures of the agency. [Criterion: 3]
 - * The agency needs to demonstrate that it requires programs to include tuition and refund policies for nursing education programs in renewal surveys and in the monitoring mechanisms it uses, and the demonstrate with documentation that it has applied a review of these policies. [Criterion: 3c]
 - * The agency needs to demonstrate not only that it collects information in these areas, but that it also assesses the information in accordance with the requirements of this criterion and determines the quality of the

educational program. Therefore, the agency needs to enhance the reporting requirements in the annual report, ensure that each program lists brief course descriptions in published materials, and evaluate whether the contractual agreements between the program and the entity providing clinical training reflects the expected quality of the accredited academic program, and demonstrates implementation of procedures. [Criterion: 3e]

* The agency needs to ensure that it reviews a copy of a program's audited fiscal report that includes a statement of income and expenditures regularly, but at least every 2 years. It also needs to demonstrate that it reviews the information and determines whether the program's fiscal strength ensures continued operation identifies any strengths or weaknesses affecting the program's ability to offer a quality nursing education program. [Criterion: 3f]

EXECUTIVE SUMMARY

PART I: GENERAL INFORMATION ABOUT THE AGENCY

The Maryland Board of Nursing is a State agency for the approval of nurse education. The agency currently has approved 23 registered nursing programs (Associates Degree in Nursing (ADN) – 15 programs and Baccalaureate Degree in Nursing (BSN)– 8 programs) and 14 licensed practical nursing (LPN) programs, totaling 37 approved programs in Maryland. Of the total number of approved nursing education programs, 16 (3 ADN, 2 BSN and 11 LPN) programs are not accredited by either of the two recognized national nursing accrediting agencies. Therefore, Secretarial recognition of the MBN is necessary to provide professional and financial resources not otherwise available to some students who pursue professional training in Maryland schools of nursing.

Recognition History

The Secretary initially recognized the Maryland Board of Nursing (MBN or Board) as an agency for the approval of nurse education in 1985, and has renewed the agency's recognition continuously since that time. The National Advisory Committee for Institutional Quality and Integrity (NACIQI) last reviewed the MBN at its December 2006 meeting and found the agency in full compliance with the criteria. Following that meeting, the Secretary accepted the NACIQI recommendation and granted continued recognition to the agency for four years.

On August 14, 2008, the Higher Education Opportunity Act amended the Higher Education Act of 1965, which disbanded the existing NACIQI. This meeting is the first opportunity for the agency to appear before NACIQI for a review.

As part of its review of the agency's current petition and supporting documentation Department staff observed a site visit prior to the December 2011 NACIQI meeting.

PART II: SUMMARY OF FINDINGS

3. Has an adequate organization and effective procedures, administered by a qualified board and staff, to maintain its operation on a professional basis. Among the factors to be considered in this connection are that the agency:

The Maryland Board of Nursing is a state agency that by regulation consists of 13 members appointed by the Governor of Maryland. The Maryland Health Occupations regulation §8-202 requires that the Board membership include eight registered nurses representing various specialties, three licensed practical nurses; and two consumers. The Governor appoints individuals with input from the various nursing membership associations. The consumer members appointed by the Governor with advice from the Secretary must receive the consent of the State's Senate. The regulations state the experience and licensure requirements for each nurse category. The list of the Board members for 2010 identifies each member's nursing credentials and the two consumer members.

The State regulations require the Board to have sufficient support staff to enable it to carry out the clerical, administrative, investigative functions and the required information technologies. The Board staff consists of 70 budgeted positions. The agency narrative demonstrates that it has sufficient staff to meet its responsibilities, including approving the 23 nursing education programs throughout the state. The 9 professionals are all academically prepared at the master's or above degree levels in various areas of nursing practice, policy development and analysis, and public administration as demonstrated in the curricula vitae exhibits.

However, the agency has not discussed or provided evidence of the role and functions of its staff nor any operating procedures to demonstrate how the agency performs effectively.

Staff Determination: The agency does not meet the requirement of this section. The agency must provide additional information and evidence of the role and functions of its staff and the operating procedures of the agency to demonstrate the adequacy and effectiveness of the agency operation.

Analyst Remarks to Response:

The role and function of the Director of Education and Licensure and the Director of Education, Examination and Research are detailed in the Job Description. In the job description for the Director of Education and Licensure and the Director of Education, Examination and Research, both are responsible for reviewing and submitting recommendations to the MBON, which describes how the purpose

and positions relate to the agency's mission. For example, among other things, the Directors' responsibilities include providing direction and guidance to applicants, employers, schools of nursing and the public on licensure issues; development and implementation of policies, regulations, and educational materials; review and approval of nursing assistant programs; and provision of information regarding nursing education programs. In addition, these Directors work collaboratively with the Director of Education in conducting surveys of nursing education and examination activities. The agency demonstrated that the nursing staff has the professional qualifications required for conducting approval reviews of nursing education programs in Maryland.

While the agency provided job descriptions for two of its Directors, the agency failed to describe adequately how the MBN's 70 member staff promotes an effective and professional operation for the approval of professional nurse education programs. For example, it remains unclear what proportion of the staff are involved in the approval of nurse education programs. It is not clear how the MBN organizational structure functions to ensure it conducts all critical activities, such as the ones listed under this criterion (for the approval of nurse education programs).

Staff Determination: The agency does not meet the requirements of this section. The agency must provide additional information and evidence of the role and functions of its staff and the operating procedures of the agency.

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c. Requires each school of nursing accredited to follow clearly defined refund policies governing all fees and tuition paid by students;

All Maryland nursing programs must be located in degree-granting institutions approved by the Maryland Higher Education Commission (MHEC) and therefore subject to the MHEC standards. Section B.02.02.22(B)(8) of the MHEC code requires institutional catalogs and official publications to include the financial policies of the institution, including all costs, schedule of payments, and refunds of academic and other types of charges. Each school of nursing must have a catalog or program handbook that describes all aspects of the program including institutional policies that site evaluators review for accuracy and clarity. Additionally each program must submit a copy of the program or school catalog with its annual report.

The MBN staff will review the catalog as part of its monitoring for continued compliance. During the site visit, the evaluators are expected to regularly elicit information from students to determine whether the school has implemented required refund and tuition policies. The agency has not demonstrated with documentary evidence that it reviews the refund policies of the program and assesses whether the school follows its policies when evaluating or monitoring a

program.

Staff Determination: The agency does not meet the requirements of this section. The agency needs to demonstrate that it has applied the elements of its regulation in its review of the refund policies of a nursing program.

Analyst Remarks to Response:

The agency reports that during site visits to the nursing programs, its representatives query participating students about whether they received information about the institutional and program policies concerning admissions, tuition and refunds. During the site visit, Department staff observed the students from all program levels who acknowledged in response to queries asked by MBN staff representatives that they had received information in the student handbook and program policies regarding tuition and refunds and that they understood them. Many students indicated that they relied on the program's website for tuition and admission policies before applying to the program. In addition, MBN staff interviewed the institution's financial aid director and reviewed student files.

The agency provided a document listing the websites of some of its approved programs to demonstrate approved nursing programs maintain the institutional and programmatic policies regarding tuition, refunds and admissions on the respective websites as required by the COMAR and the Maryland Higher Education Commission. However, while this is indeed good practice, it is not evidence that the agency requires and reviews this information

The agency reports that programs required to submit interim reports must include the most recent copies of their catalogs and program bulletins. The MBN representatives review these documents to verify whether the program made required modifications to support any changes in their policies.

In addition, MBN Representatives review student handbooks, institutional and program catalogs and bulletins to determine compliance with the regulations and document any updates. If changes occurred, the MBN representatives report the changes to the MBN pursuant to the COMAR nursing regulations. The MBN representatives will also inform the MHEC after conducting a review and compliance verification of reports the MHEC provided to the MBN. However, the documentation provided did not specifically include that the agency reviews refund and tuition policies, and the required documentation a program submits with its annual report does not request programs to provide this information.

Staff Determination: The agency does not meet the requirements of this section. The agency needs to demonstrate that it requires programs to include tuition and refund policies for nursing education programs in renewal surveys and in the monitoring mechanisms it uses, and demonstrate with documentation that it has applied a review of these policies.

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e. Requires each school of nursing accredited to submit a comprehensive annual report, including current data on:

- (1) Progress toward achievement of its stated objectives in nursing education:**
 - (2) Qualifications and major responsibilities of the dean or director and of each faculty member:**
 - (3) Policies used for selection, promotion, and graduation of students:**
 - (4) Practices followed in safeguarding the health and well-being of students:**
 - (5) Current enrollment by class and student-teacher ratios:**
 - (6) Number of admission to school per year for past 5 years:**
 - (7) Number of graduations from school per year for past 5 years:**
 - (8) Performance of students on State board examinations for past 5 years:**
 - (9) Curriculum plan:**
 - (10) Brief course description:**
 - (11) Descriptions of resources and facilities, clinical areas and contractual arrangements which reflect upon the academic program.**
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The agency requires each program to submit a comprehensive annual report, with current information regarding the following:

- (1) Progress toward achievement of its stated objectives in nursing education:** The annual report requires programs to report on outcomes used in its program evaluation (against program objectives). These outcomes may include, for example, public service, and scholarship as well as graduation, placement, and licensure.
- (2) The qualifications and major responsibilities of the dean or director and of each faculty member:** The annual report template requires that programs list the current faculty and the qualifications and major teaching responsibilities of the program director, faculty members, and clinical instructors.
- (3) Policies used for selection, promotion, and graduation:** The report includes data on admissions, and graduation. There is no evidence that the agency collects data on student promotion.
- (4) Practices followed in safeguarding the health and well being of students:** The annual report requires that programs report any changes to its policies/practices pertaining to the health and well-being of students. Health and well-being policies are to be described in the program catalog. The catalog is to be attached to the annual report.
- (5) Current enrollment by class and student-teacher ratios:** Each program must

include in the program operations section of the annual report the total number of enrolled students and an enrollment by year (1st year and 2nd year) for pre-nursing and practical nursing courses. The documentation provided contains a compilation of students enrolled in registered nurse education and the practical nurse programs for the period covering FY 2006 – FY 2010. The annual report also includes data on faculty; there is no defined student-teacher ratio required.

(6) Number of admissions to school per year for past 5 years: The annual report includes demographic information on the number of students taking one or more nursing courses and the number of student admitted to the clinical nursing programs and enrolled as of October 15th of each year. The agency provided a listing of the college admissions by schools in Maryland that offer registered degree programs and practical nursing programs covering FY 2006 – FY 2010, excluding FY 2008 annual report data which the Board waived.

(7) Number of graduations from school per year for past 5 years: The agency collects graduation and demographic data for registered nurse and practical nurse programs and consolidated this information in appendix ff. The MBN reports that it obtains this information in annual reports submitted by the programs [see appendix ff, page 7].

(8) Performance of students on State board examinations for past 5 years: The MBN is the originating agency for this data and regularly sends the annual pass rates of each student taking the Maryland licensure exams to each program. Each program includes the licensure examination pass rates in the annual reports they submit to the MBN.

(9) Curriculum plan: The program reports changes in the course offering that will alter the curriculum, philosophy, objectives, outcomes, competencies, or conceptual framework. The types of changes must be included in the annual report and include the rationale for the changes and methods of evaluation used to determine the effect of the change.

(10) Brief course description: The agency narrative reports that it requires that each program send the Board the most recent catalog with its annual report and survey report as described in the annual report template. Although the Board believes program catalogs contain brief course descriptions, the Department staff reviewed the on-line catalogs for the first two nursing programs listed on its five year college enrollment report. One catalog did not contain course descriptions and the other did. No consistency appears to exist with the requirements that nurse education programs provide brief course descriptions in its catalog. The agency needs to demonstrate that each nursing education program it approves complies with the MBN expectation that the program catalog or bulletin contain brief course descriptions.

(11) Descriptions of resources and facilities, clinical areas and contractual arrangements which reflect upon the academic program. The agency requires that a list of current clinical sites and a description of any changes in facilities

and resources is attached to the annual report. There is no evidence that programs are required to provide information/data on contractual arrangements between a program and another entity which reflect on the academic program.

Staff Determination: The agency does not meet the following requirements of this criterion: The agency needs to provide a sampling of completed annual reports. It needs to provide evidence that the agency collects data on student promotion. The agency needs to demonstrate that each nursing education program it approves complies with the MBN expectation that the program catalog or bulletin contain brief course descriptions. The agency needs to demonstrate that it collects information/data on contractual arrangements between a program and another entity which reflect on the academic program.

Analyst Remarks to Response:

The sample annual reports provided in the response demonstrate that the agency collects the student promotion and other elements, but not all of the elements required by this criterion.

For example, the program must prepare an annual report for each nursing program offered, provide contact information on the parent institution and the program dean or director, a copy of any annual report submitted to NLNAC or CCNE, and report on administration, financial aid, outcomes, program operations (tuition, enrollment, operating budget for each nursing program, budget for instructional personnel, levels of expertise and/or primary barriers in faculty recruitment), availability of clinical placements, among other things, including the diversity of student population.

The agency provided redacted copies of annual reports for a Bachelor of Science Nursing program and a Practical Nurse program. The documents demonstrate the MBN representatives have implemented the Maryland regulations and assessed monitoring of the nurse programs under its authority, but not pursuant to the requirements of the Secretary's criteria. For example, the agency collects information through the annual report, but it has not demonstrated that it reviews or assesses the information in a comprehensive manner to ensure that all nursing programs publish brief course descriptions for each course in publications. Additionally, the MBN assesses and determines whether programs describe the resources and facilities, including clinical areas governed through contractual agreements that reflect the agency's expectations for the academic program. The agency provided a copy of a contractual agreement with a clinical facility that did not demonstrate the agency has effective procedures to assess information/data that reflects upon the academic program.

Staff Determination: The agency does not meet the requirements of this section. The agency needs to demonstrate not only that it collects information in these areas, but that it also assesses the information in accordance with the requirements of this criterion and determines the quality of the educational program. Therefore, the agency needs to enhance the reporting requirements in

the annual report, ensure that each program list brief course descriptions in published materials, and evaluate whether the contractual agreements between the program and the entity providing clinical training reflect the expected quality of the accredited academic program, and demonstrate implementation of procedures.

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f. Regularly, but at least every 2 years, obtains from each accredited school of nursing:

- (1) A copy of its audited fiscal report, including a statement of income and expenditures:**
 - (2) A current catalog.**
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(1) A copy of its audited fiscal report, including a statement of income and expenditures:

All approved nursing education programs are located in degree-granting institutions of higher education. Therefore, the Maryland Higher Education Commission (MHEC), under the provisions of the COMAR (13B.02.02.21G), has the responsibility to require every degree-granting institution in Maryland to submit audited fiscal reports at least every two years. It is not clear that the agency receives these documents pertaining to its programs.

The agency requires annually information on the total operating budget of each program. It also requires information on total instructional salaries. However, the agency provided no completed annual reports which would provide a better reflection of the extent of the program financial information provided.

(2) A current catalog:

The MBN requires that each nursing education program submit a copy of its current catalog along with the supporting documentation that accompanies its annual report. The agency did not submit evidence that it receives and reviews current catalogs from each program annually. .

Staff Determination: The agency does not meet the requirements of this section. The agency needs to demonstrate with documentation that it receives audited fiscal reports, including a statement of income and expenditures, regularly but at least every two years. . In addition, the agency needs to demonstrate that it receives and reviews catalogs annually in accordance with its monitoring activity.

Analyst Remarks to Response:

The agency responded to the draft staff analysis by reporting that it receives and reviews annual reports submitted by accredited nursing education programs as part of its monitoring a program for continued compliance or a program's progress with a corrective action plan. However, a review of the annual report form only requests a program to provide fiscal information covering the program's operating budget and the instructional salaries. Although, the agency states that all state institutions, with nursing programs, must conduct a financial audit at least every 2 years, there is no evidence that programs obtain and provide a copy of the audited fiscal report, including a statement of income and expenditures, or that the agency reviews and assesses this information as required by this section. In the absence of this information, the agency has not demonstrated that it has adequate or effective procedures to monitor the fiscal strength or weakness of a program for continued operation.

The agency reported that it requires a program to submit a copy of its catalog with the annual report. It appears that the agency accepts an electronic copy of the institutional catalog and uses it to update information that has changed from a prior year annually in August on its own website.

Staff Determination: The agency does not meet the requirements of this section. The agency needs to ensure that it reviews a copy of a program's audited fiscal report that includes a statement of income and expenditures regularly, but at least every 2 years. It also needs to demonstrate that it reviews the information and determines whether the program's fiscal strength ensures continued operation identifies any strengths or weaknesses affecting the program's ability to offer a quality nursing education program.

PART III: THIRD PARTY COMMENTS

The Department did not receive any written third-party comments regarding this agency.